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Fall 2012

F12RS SGB No. 4 (Election Code)

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STUDENT SENATE

S12RS

SGB No. 4

BY: SPEAKER PRO TEMPORE PACE

A BILL

TO AMEND THE STUDENT GOVERNMENT ELECTION CODE

PARAGRAPH 1: WHEREAS, THE ELECTION CODE IS CENTRAL TO HAVING FAIR AND PROSPEROUS ELECTIONS AND;

PARAGRAPH 2: WHEREAS, IT WAS DEEMED BY THE SUMMER PLANNING COMMITTEE THAT CHANGES AND CLARIFICATIONS NEEDED TO BE MADE TO THE ELECTIONS CODE TO PROVIDE A MORE CLEAR UNDERSTANDING OF THE ELECTIONS PROCESS AND ENSURE A MORE FREE ELECTION AND;

PARAGRAPH 3: WHEREAS, ARTICLE II SHOULD READ AS FOLLOWS;

ARTICLE II

Governance of Elections

Section 1. Appointment of the Commissioner of Elections

- A. The new Commissioner of Elections shall be appointed by the Student Body President during the Spring Organizational Session of Student Senate.
- B. In the event of a vacancy in the office of Commissioner of Elections during an election cycle, the Student Body President shall appoint one of the Elections Board Members to be the new Commissioner of Elections. That Commissioner shall take office upon notification of his or her appointment, subject to approval by a one-half vote of the student senate present and voting.

Section 2. Responsibilities of the Commissioner of Elections

The Commissioner of Elections shall have the following powers and responsibilities:

- A. To serve as the Chairman of the Election Board, and to supervise all elections personnel;
- B. To remain impartial to any candidates or tickets participating in any election;
- C. To execute the provisions of the Student Government Constitution relative to elections and all other provisions of this Election Code;
- D. To have the authority to expend such funds as appropriated to the Election Board's use, with their majority (1/2) vote;
- E. To meet with the Information Technology Services (ITS) and establish guidelines for online voting procedure a minimum of one (1) month prior to filing;
- F. To submit a calendar with the days of the election time frame two (2) weeks prior to the first day of filing to the Student Senate; and,
 1. This calendar shall be kept between the Commissioner of Elections, the Election Board, and the appropriate adviser(s) until the Student Senate has been informed.
- G. To issue a report to the Student Senate each week during the election time frame;
- H. To administer special elections; and,

- I. To ensure that the Board presents a defense if any of their decisions are appealed or if a complaint is filed against the Board.

Section 3. Accountability of the Commissioner of Elections

- A. The Commissioner of Elections shall be responsible for upholding the Election Code and executing all decisions of the Election Board.
- B. The Election Board may overrule any action of the Commissioner of Elections by a two-thirds (2/3) vote of those present and voting.
- C. Should the Commissioner of Elections fail to uphold his/her responsibilities, he/she shall be removed from office by the Student Body President with approval of a two-thirds vote of the senate present and voting.
- D. Commissioner of Elections shall report to the Advisor and shall be subject to removal by the Student Body President.

PARAGRAPH 4: WHEREAS, ARTICLE III SHOULD READ AS FOLLOWS;

ARTICLE III

Election Timetable

Section 1. Order of Events

The election time frame shall consist of seven (7) academic weeks beginning no sooner than the third (3rd) week of class in a semester and ending no later than the twelfth (12th) academic week of class in a semester. The order of events for any campus-wide election, not including special elections and the elections for the consideration of a referendum brought by petition or constitutional amendment, shall be as follows:

- A. Pre-Qualifying
- B. Filing period
- C. Qualifying
- D. Posting of qualified candidates and appeals
- E. Election Informational Meeting(s)
- F. Ticket registration
- G. Passive Campaigning begins
- H. Mandatory Meetings
- I. Active Campaigning begins
- J. Posting of official ballot
- K. General Election
- L. Financial and monetary contribution reports filed
- M. General Election results
- N. Validation of General Election results
- O. Run-off Election
- Q. Run-off Financial and monetary contribution reports filed
- R. Run-off Election results
- S. Validation of Run-off Election results

Section 3. Selection of Election-Related Dates and Deadlines

- 108 A. The Election Board shall be in charge of setting all dates of the election-related events
109 listed in Section 1 of this Article subject to any further provisions of the Election Code.
110 All deadlines and dates that are relative to filing, campaigning, and election days for the
111 Fall and Spring Student Government Elections shall be declared by the Commissioner of
112 Elections no later than the second (2nd) academic week of the semester the election in
113 question.
- 114 B. The election time frame shall consist of seven (7) academic weeks beginning with the
115 first day of pre-qualifying, and ending two (2) class days after the final election results
116 have been announced.
- 117 C. Once the dates have been set and publicly announced before the Student Senate, the
118 Commissioner of Elections will immediately deliver this information to Student Media,
119 the Student Body President, the Speaker of the Student Senate, and the Chief Justice of
120 the University Court.

122 **Section 4. Announcement of Elections**

- 124 A. The Commissioner of Elections shall:
- 125 1. Issue a press release to be posted on the Student Government website
126 at least five (5) class days prior to the opening of the pre-qualifying
127 period for the Fall and Spring elections; and,
 - 128 2. Issue appropriate widespread campus announcements, which may
129 include but not be limited to broadcast emails, a letter to the
130 editor, or advertisements in the campus newspaper at least three (3)
131 class days prior to the opening of the pre-qualifying period for the Fall
132 and Spring elections.
- 134 B. The announcement shall list the following:
- 135 1. Positions to be filled in the election;
 - 136 2. Dates for the opening and closing of both pre-qualifying and filing;
 - 137 3. Time and place that a person may pre-qualify and file for office;
 - 138 4. Dates of the General Election and any run-off; and,
 - 139 5. Name and contact information of the Commissioner of Elections.

141 **Section 5. Pre-Qualifying**

- 143 A. A student shall have the option to pre-qualify for an election to ensure he/she
144 meets all stipulations outlined in Section 6 of this Article for the sought office
145 before the period of filing begins.
- 146 B. A two (2) day class period for pre-qualifying shall be opened on the first academic
147 week of the election timeframe.
- 148 C. Each student-choosing to pre-qualify must submit a Pre-Qualifying Form to the
149 Election Board on these two (2) class days from 9:00AM until 4:30PM. This form
150 may be turned in to the Elections Board by a ticket representative or another
151 student on the student's behalf. This form shall include:
- 152 1. The student's name;
 - 153 2. The student's LSU identification number;
 - 154 3. The Academic Area in which the student is enrolled;
 - 155 4. The office sought.
- 156 D. The Commissioner of Elections shall deliver these reports to the Office of the Dean
157 of Students, who shall process the requests and notify the Commissioner of
158 Elections of the results by the following Monday.
- 159 E. The Commissioner of Elections shall post these results outside the Student
160 Government Executive Office and the Senate Office as soon as it is received and no
161 later than the first (1st) day of filing.

Section 6. Filing

- A. A person shall file as a candidate by:
1. Filing his/her intention for candidacy, in person, by completing registration with the Election Board during the filing period; and,
 - a. No one may file on behalf of a student that is not himself/herself.
 - b. Official LSU picture ID must be presented at the time of filing.
 2. Verifying his/her eligibility by the Election Board.
- B. A three (3) class day period for filing shall be opened on the second academic week of the election timeframe. Any student may file an intention of candidacy form provided by the Election Board for the office he/she seeks from 9:00 A.M. to 4:30 P.M. during these days.
- C. Once a student has filed for a certain office, he/she may not change to any other office even if the filing period has not closed. The student may either run for the position for which he/she originally filed for, or may withdraw from the race completely. The only exception applies to President/Vice President candidates and is as follows:
1. Candidates for Student Body President and Vice President shall both be listed together on the ballot and identified as to which office each candidate seeks. If, after the close of filing, a candidate for Student Body President or Vice President has not qualified, has been disqualified, or has withdrawn, then the remaining candidate may submit the name of a replacement candidate to the Commissioner of Elections, and this replacement candidate must be qualified by the Commissioner of Elections by 4:30 P.M. on the fifth (5th) class day preceding the General Election. The remaining candidate will also have the discretion to refile as either President or Vice President upon selecting their replacement candidate.

Section 7. Qualifying

- A. Candidate Eligibility
1. A qualified student is any full-time student that is in accordance with all Campus Life mandated requirements for officers of recognized campus organizations.
 2. For all Senate and College Council positions a candidate must be enrolled at the time of filing in the college which he/she is seeking to represent, with the exception of the Graduate School or LSU School of Veterinary Medicine.
 - a. Students seeking a Senate or College Council position in the Graduate or LSU School of Veterinary Medicine must have applied and received provisional or full acceptance prior to the filing process of the election in question in order to run for that position.
 - b. Proper acceptance documentation must be presented to the Student Government Commissioner of Elections at the time of filing to ensure candidate eligibility.
 3. If any clerical errors arise on behalf of the University, the Commissioner of Elections shall consult the University Registrar and approve members to run in their appropriate college or for their desired position on a case-by-case basis.
 4. No senator can file or run for another seat within the LSU Student Senate until the final semester of their current term unless proof of change of college can be presented to the Commissioner of Elections. Proof of college must be provided by the University Registrar.

- B. After the closing of the filing period, the Commissioner of Elections shall submit the appropriate information for each potential candidate to the office of the Dean of Students for verification.
- C. If a student has pre-qualified with the Election Board as outlined in Section 4 of this Article, the Commissioner of Elections shall not submit their information for verification, and shall list those students as eligible.
- D. Once the office of the Dean of Students reports back to the Commissioner of Elections, he/she shall report to the Election Board with a listing of filed candidates, and whether or not each is qualified.
- E. After any amendments and final approval by the Election Board, the official list of qualified candidates will be posted outside of the Student Government Executive Office. This shall occur on at noon (12:00PM) on the Monday of the third (3rd) academic week of the election time frame. Appeals to the qualifying of candidates may be filed during this time.
1. The Commissioner of Elections shall notify all candidates who fail to qualify and give reason for disqualification.
 2. Appeals pertaining to academics and discipline should be addressed to the Office of the Dean of Students.
 3. All other appeals should be made to the Commissioner of Elections and the Election Board.
 4. Once the office of the Dean of Students reports back to the Commissioner of Elections, he/she shall report to the Election Board with a listing of filed candidates, and whether or not each is qualified.

Section 8. Campaigning

There shall be no campaigning, as defined in Article IV, prior to the qualifying of candidates.

- A. Passive Campaigning, as defined in Article VI, will begin at 7:00 AM on the Monday of the third (3rd) academic week of the election time frame. Further rules will be discussed in Article IV of this code.
- B. Active Campaigning, as defined in Article IV shall begin at 7:00 AM on the Monday of the fifth (5th) academic week of the election time frame.
- a. On election day, no active campaigning shall take place after 4:30 PM.

Section 9. General Election

- A. Fall election
The General Election for the appropriate Student Senators and members of the University Court elected in the Fall shall be held each year on the Monday and Tuesday of the sixth (6th) academic week of the election time frame.
- B. Spring election
The General Election for the Student Body President, Student Body Vice President, the appropriate Student Senators, College Council officers, shall be held each year on the Monday and Tuesday of the sixth (6th)-academic week of the election time frame.

Section 12. Run-off Election

- A. Except as otherwise provided in this Election Code, if no candidate in the General Election receives a percentage majority of the votes cast, the two (2) candidates receiving the highest number of votes in said election shall be in a Run-off Election.
- B. The Run-off Election shall be held on the Monday and Tuesday of the seventh (7th) academic week of the election time frame.
- C. Provisions for ties are included in Article IV of this code.

279 **Section 13. Run-off Election Results**

280
281 Regardless of complaints or appeals, the unofficial results of the Run-off Election shall be
282 announced by the Commissioner of Elections in an appropriate campus location after 4:30 P.M.
283 on the night after the Run-off Election.
284

285 **Section 14. Validation of Run-off Election Results**

286
287 If no complaints or appeals are registered by 4:30 P.M on the Friday of the seventh (7th)
288 academic week of the election time frame, all election results shall be deemed final.
289
290
291

292 **PARAGRAPH 5:** WHEREAS, ARTICLE IV SHOULD READ AS FOLLOWS;
293

294 **Section 1. Ballots**

295
296 Candidates shall appear on the General Election ballot in alphabetical order. This order shall be
297 reversed in the Run-off Election.

- 298 1. Student Body President and Vice President shall not be voted on
299 separately; they shall be listed together.
- 300 2. No ticket affiliation shall be listed anywhere on the ballot except for
301 President/Vice President pairs.
302

303 **Section 3. Voting Requirements**

304
305 An eligible voter must agree to the LSU computer use policy and the student code of conduct in
306 order to access the voting application upon login to “myLSU”.

307 **Section 4. Online voting**

308
309 Students may vote from any voting apparatus with access to the internet using “myLSU”, or
310 voting stations provided by the Election Board.
311
312
313

314 **PARAGRAPH 6:** WHEREAS, ARTICLE VI SHOULD READ AS FOLLOWS;
315

316 **Section 2. On-Campus Campaigning Rules and Regulations**

- 317
318 A. Campaigning does not include reporting by media outlets of any referendum, petition,
319 recall, or constitutional amendment.
- 320 B. List-Serves and E-Mails
 - 321 1. Before and during campaigning, members of a private campaign list-
322 serve run by candidates or campaign staff, including and limited to
323 staff, volunteers, and candidates, are considered willful participants
324 and therefore may receive any email concerning candidacy, ticket
325 issues, and other information.
 - 326 3. During passive and active campaigning, the leader of any student
327 organization, whose organization is not affiliated with Student
328 Government and is registered with the University, may be contacted
329 by any candidate or ticket affiliate for the sole purpose of requesting
330 to speak at that organization's meeting to seek its endorsement.
331

- C. Social Media
1. Social Media shall be defined as any web-based or mobile-based applications that use highly accessible and communication techniques for social interaction.
 2. Social Media may be used by any campaign during both the passive and active campaigning periods,
- D. Prohibition on Interference with Education
1. Campaigning must not interfere with the educational life of the University. This includes but is not limited to the posting of campaign signs and/or posters in classrooms, and writing on chalkboards or similar devices.
 2. No campaigning shall be allowed inside any University building or within twenty (20) feet of any entrance to a University building.
 - a. Specifically exempt are candidate and ticket organizational meetings and meetings of registered student organizations, or events authorized by a building coordinator.
 3. Active campaigning within twenty (20) feet of the Quadrangle is prohibited except for election days.

Section 3. Prohibited Methods of Campaigning

The following methods of campaigning may not be used:

- A. Loudspeakers, sirens, or other noisemakers;
- B. Decorating any car without the express consent of the owner;
- C. Any method that violates university or state policy concerning mass e-mail or text message;
- D. Sending potential voters unsolicited private electronic communications at any time;
- E. Sending potential voters electronic messages through any LSU software;
- F. Sending electronic messages specifically asking for a vote prior to campaigning;
- G. Utilizing the Student Government logo or any logo of any organization that has not explicitly endorsed a candidate.
- H. Any method using animals, except consenting humans; and,
- I. Any method that uses a voting apparatus or interferes with a person using a voting apparatus.
- J. The dissemination of any item of prurient nature;
- K. Any form of consumable items; and,
- L. Any method that violates university or state regulations.

Section 4. Campaigning Ethics

- A. Candidates are expected to conduct themselves in an ethically appropriate manner in accordance with Student Government documents and the Student Code of Conduct, University Policies, and local and state law.
- B. A candidate or volunteer may under no circumstances intentionally interfere with the campaign of another candidate in any way, including but not limited to the destruction of campaign materials.
- C. Anything offered to affect the students' vote must clearly display ticket or candidate affiliation.
- D. No student shall make any threat to any voter to affect the students vote.

Section 5. Endorsements

- 384 A. Any student organization, excluding Student Government affiliated organizations, that is
385 registered with the University may publicly endorse any candidate and/or ticket for office
386 that it has the prior approval of the candidate to be endorsed.
387 B. Any Student Government affiliated organization, including Student Government itself, shall
388 not publicly endorse any candidate or ticket.
389 1. A Student Government affiliated organization shall be defined as any
390 registered student organization that includes one or more members
391 appointed by or elected to said organization through Student Government.
392 2. Student Government affiliated organizations, including Student
393 Government itself, cannot publicly endorse nor display any campaign
394 materials including but not limited to office, work, and meeting
395 spaces.
396 B. Candidates or tickets cannot receive any financial contributions from any student
397 organization.
398
399
400

401 **PARAGRAPH 7:** WHEREAS, ARTICLE VII SHOULD READ AS FOLLOWS;
402

403 **Section 2. General Election Spending Limits for Tickets**
404

- 405 A. Two thousand five hundred dollars (\$2,500) shall be the total expenditure limit of any
406 President/Vice President pair.
407 B. Five hundred dollars (\$500) shall be the expenditure limit of any candidate running for a
408 University Court Associate Justice position.
409 C. Fifty dollars (\$50) shall be the expenditure limit for any candidate running for a Senate
410 or College Council position).
411 D. Expenditure limits for tickets shall be based on the total expenditures of individuals
412 involved with a particular ticket who are opposed in their election, as stipulated in
413 Section 7 of this Article.
414

415 **Section 3. General Election Spending Limits for Independent Candidates**
416

- 417 A. Three thousand dollars (\$3,000) shall be the combined expenditure limit of any
418 President/Vice President pair.
419 B. One thousand dollars (\$1,000) shall be the expenditure limit of any candidate running
420 for a University Court Associate Justice position.
421 C. Two Hundred and Twenty Five dollar (\$225) shall be the expenditure limit for any
422 candidate running for a Senate or College Council position.
423

424 **Section 7. Expenditures for Unopposed Candidates**
425

- 426 A. Candidates who are unopposed at the posting of the list of qualified candidates are
427 allowed to spend any money campaigning.
428 B. These candidates are still required to file monetary contribution reports.
429 C. If an unopposed candidate gives money to be part of a ticket, that money shall be
430 considered a monetary contribution. After a candidate is informed that he/she is
431 unopposed, that candidate shall expend no more money. The expenditure limits for
432 unopposed candidates shall not be counted towards the total expenditure limit of a
433 ticket.
434 D. The expenditure limits for candidates who become unopposed after the initial posting of
435 the list of qualified candidates shall be counted toward the total expenditure limit of a
436 ticket.
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PARAGRAPH 8: WHEREAS, ARTICLE VII SHOULD READ AS FOLLOWS;

Section 2. Procedure for Filing Complaints

A complaint concerning irregularities in the conduct of an election by the Election Board or a candidate may be brought by any LSU student.

- A. Complaints regarding violations of Election Code provisions must be submitted in writing to the Commissioner of Elections by 4:30 P.M. within two (2) class days of the alleged violation.
- B. The Election Board may also file complaints concerning irregularities in the conduct of an election.
 - 1. If the Commissioner of Elections files a complaint, then the Election board within themselves will vote for an acting chair.
- D. Election results shall be deemed final at 4:30PM two (2) class days after their announcement. No complaints may be filed after the election results have been finalized.

Section 3. Complaints and Burden of Proof

The person making the complaint shall have the burden of proving the alleged violation by a preponderance of evidence.

Section 4. Procedure for Processing a Complaint

A complaint brought to the Election Board, will follow this procedure:

- A. A Student filing a complaint will fill out a complaint form issued by the Commissioner of Elections detailing the time, place and nature of the alleged violation.
 - a. A signature of the student filing the complaint must be included in order for the complaint document to be considered valid.
 - b. No anonymous complaints will be viewed.
- B. The subject of the complaint will be notified immediately upon receipt of said complaint by the Commissioner of Elections. The subject will then have 12 hours to submit a response.
- C. All complaints pertaining solely to the Election Code will be reviewed by the Election Board. Any complaint citing further governing documents shall be immediately forwarded to the Clerk of Court by the Commissioner of Elections.
- D. The Elections Board will review complaints based solely on what is included in the documents presented in letters A and B of this section.
- E. The Commissioner of Elections is responsible for accepting all complaints.

Section 5. New Election

- A. If the University Court determines that the action(s) of the Election Board, any person, or any organization has cast a reasonable doubt on the fair outcome of an election, it may order that particular election to be held again.
- B. The new election will adhere to all rules applicable to a Special Election.

Section 6. Rulings & Notification of the Complainant and Defendant

Once a complaint has been processed, both parties should be notified before the trial takes place in order not to interfere with due process. After a complaint has been ruled on, the Judicial Branch shall take immediate action to notify the complainant and defendant in writing within two (2) hours of its ruling.

Section 9. Time Limits for and Verification of Collected Signatures

- A. A signed petition must be submitted to the Student Body President within twenty-eight (28) consecutive calendar days of its registration. The President shall immediately transmit any petition received to the Election Board.
- B. In a petition to levy, amend, repeal, or otherwise regulate a self-assessed student fee, the twenty-eight (28) consecutive calendar days prior to the beginning of campaigning of any Fall or Spring General Election shall be the only days for petitioners in this category to collect signatures.
- C. During these twenty-eight (28) consecutive calendar days, the petitioners may campaign for signatures only.
- D. The Election Board shall verify the sufficiency of the petition within seven (7) calendar days of submission. The Election Board shall verify as valid only those signatures which:
 - 1. Contain the name of the student with the date of the signature in the handwriting of the signer and the student's "myLSU" login ID;
 - 2. Are Student Body members as defined by the Constitution as of the date of submission;
 - 3. For a matter affecting a student assessed fee, are members of the group assessed or to be assessed; and,
 - 4. Were actually collected after registration of the petition and before the submission deadline.

PARAGRAPH 9: WHEREAS, ARTICLE IX SHOULD READ AS FOLLOWS;

Section 3. Penalties for Candidates and Tickets

- A. If a candidate or ticket is found responsible for violating this Code by the Election Board and/or Judicial Branch, the candidate or ticket shall be penalized by the Election Board and/or the Judicial Branch in the manner deemed appropriate from the following:
 - 1. Private censure reserved for only unusually minor cases;
 - 2. Public censure, as publicized by the Commissioner of Elections;
 - 3. Restriction of the candidate or ticket and its volunteers from campaigning for a fixed period of time in such a manner, as the Board feels appropriate;
 - 4. Reduction of expenditure limits as the Elections Board or Judicial Branch deems appropriate;
 - 5. Suggestive, self-imposed sanction made by the defendant and agreed upon by the board; or,
 - 6. Disqualification. In this case the Election Board may pursue disciplinary action with the Dean of Students.
- B. The Elections Board is encouraged to consider past precedent when distributing penalties.
- C. The Elections Board shall submit an official opinion to the Clerk of Court no more than twenty-four (24) hours after an Elections Board hearing.
 - 1. These opinions will be kept on record within the Student Government server and evaluated as precedent for determining future relief.

PARAGRAPH 10: THEREFORE, BE IT ENACTED BY THE LOUISIANA STATE UNIVERSITY AGRICULTURAL AND MECHANICAL COLLEGE STUDENT SENATE THAT ..., AND

PARAGRAPH 11: THIS BILL SHALL TAKE EFFECT UPON PASSAGE BY A TWO-THIRDS (2/3) VOTE OF THE LSU STUDENT SENATE AND SIGNATURE BY THE PRESIDENT, UPON LAPSE OF TIME FOR PRESIDENTIAL ACTION, OR IF VETOED BY THE PRESIDENT AND SUBSEQUENTLY APPROVED BY THE SENATE, ON THE DATE OF SUCH APPROVAL.

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Approved:

Meredith Westbrook
Speaker of the Senate

Date:_____

R. Taylor Cox
Student Body President

Date:_____